

# **Memorandum of Understanding between the Welsh ministers and HM Courts & Tribunals Service in respect of expedited appeals**

## **Aim**

The aim of this Memorandum of Understanding is to establish an expedited appeals process for the following decisions:

- urgent cancellation of registration under section 20A of the Care Standards Act 2000
- urgent suspension, variation, removal or imposition of conditions under section 20B of the Care Standards Act 2000
- suspension of registration under section 79H of the Children Act 1989 (and under section 32 of the Children and Families (Wales) Measure 2010 when in force)
- urgent cancellation of registration under section 79K of the Children Act 1989 (and under section 34 of the Children and Families (Wales) Measure 2010 when in force)
- urgent variation, removal or imposition of conditions of registration under section 35 of the Children and Families (Wales) Measure 2010 (when in force)
- restriction of accommodation in a children's home or residential family centre under section 22B of the Care Standards Act 2000.

## **Objective**

To facilitate expeditious disposal of these appeals, minimising the impact on the provider's/manager's livelihood and on service users and their relatives. The First-tier Tribunal will handle appeals in accordance with the following process. All days are working days:

- the First-tier Tribunal copies any appeal to the respondent on receipt in the First-tier Tribunal office
- the Welsh ministers respond to the appeal within three days of receipt of the appeal
- the First-tier Tribunal hears the appeal within 10 days of receipt of the response
- the First-tier Tribunal must give three days notice of the date the hearing [hearing to be fixed when appeal received or as soon after as possible]
- the First-tier Tribunal issues its decision within three working days of the conclusion of the hearing.

Where an appeal is received from the same provider against the ordinary cancellation procedures as well as an appeal against the urgent procedures, the ordinary procedures appeal will be handled in accordance with The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008. If the urgent procedures appeal is dismissed the ordinary procedures appeal may be struck out as 'having no reasonable prospect of success'.

Where the tribunal judge considers it necessary, he may require an urgent telephone conference with both parties prior to the substantive hearing. If such a conference is required, the directions issued following discussion with both parties will take account of the need to hear the appeal within the 10 days of receipt of the response.

Wherever possible, the hearing will be held in the vicinity of the applicant's home location. However, due to the need to arrange hearings at very short notice, the tribunal may direct where the hearing is held as it sees fit.

Paper hearings will usually be heard at First-tier Tribunal premises in Darlington or central London but may be heard at any HM Courts & Tribunals Service venue.

### **Contacts and agreement**

The following personnel represent the points of contact:

#### **Care Standards Tribunal**

Kevin Sadler, Director of Civil Family and Tribunals

Signed: 

Date: 17 January 2011

#### **Healthcare Inspectorate Wales , on behalf of the Welsh ministers**

Dr Peter Higson, Chief Executive

Signed: 

Date: 10 January 2011

#### **Care and Social Services Inspectorate Wales, on behalf of the Welsh ministers**

Imelda Richardson, Chief Inspector

Signed:



Date: 6 January 2011